

LAW
(Paper II)

Time Allowed : Three Hours

Maximum Marks : 250

QUESTION PAPER SPECIFIC INSTRUCTIONS

(Please read each of the following instructions carefully before attempting questions)

There are EIGHT questions divided in two Sections.

Candidate has to attempt FIVE questions in all.

Question Nos. 1 and 5 are compulsory and out of the remaining, any THREE are to be attempted choosing at least ONE question from each Section.

The number of marks carried by a question/part is indicated against it.

Wherever any assumptions are made for answering a question, they must be clearly indicated.

Word limit in questions, wherever specified, should be adhered to.

Attempts of questions shall be counted in sequential order. Unless struck off, attempt of a question shall be counted even if attempted partly. Any page or portion of the page left blank in the Question-cum-Answer Booklet must be clearly struck off.

SECTION 'A'

1. Answer the following (answer to each part must not exceed 125 words). Support your answer with the help of legal provisions and decided cases: **10×5=50**
- (a) “The word ‘Voluntary’ as used in the Indian Penal Code is very significant and it does not mean willingly but knowingly or intentionally.” Explain.
- (b) “Fake police encounters are nothing but murders and police officers committing it without any protection of law to them deserve death penalty as the cases fall into rarer of the rarest category.” Comment.
- (c) “Nuisance as a tort means an unlawful interference with a person’s use or enjoyment of land or some right over or in connection with it.” Comment.
- (d) “Involuntary drunkenness is a defence.” Critically examine the law relating to intoxication as defence.
- (e) “The definition given under the Consumer Protection Act, 1986 gives altogether a new legal colour and scope to the term ‘Consumer’.” In the light of this statement, explain the term ‘Consumer’.
2. (a) X, the producer of a film showing life of ‘homosexuals’, is prosecuted under Section 292 of the Indian Penal Code, alleging that the film was obscene and indecent. The film was certified by the Censor Board of Film of India for public shows. X intends to claim protection against his charge under Section 79 of the Indian Penal Code. Can he do so? Justify your answer. **25**
- (b) The natural calamity in Uttarakhand left hundreds dead. Some people were seen removing gold ornaments, watches and other valuables from these dead bodies. Few days later, police apprehended them and wanted to prosecute them. Under which provisions of the Indian Penal Code can they be prosecuted? Discuss. **25**
3. (a) “Assault is an act of the defendant which causes to the plaintiff reasonable apprehension of the infliction of a battery on him by the defendant.” Comment and distinguish between assault and battery. **20**
- (b) X sends an e-mail to Y containing defamatory matters against him. The e-mail is received by Y who deletes it after reading. Is X liable for publication? Refer to relevant case law. **15**

- (c) X, while driving car, suddenly became unconscious and fell back in his seat. The car became uncontrolled, it hit and killed Y. Discuss the liability of X. 15
4. (a) "Plea bargaining, which was considered unconstitutional, illegal and tending to encourage complaint, collusion and pollution of the pure punt of justice, is now a part of sentencing under the Indian Criminal Law." Comment. 25
- (b) Q refused to marry her boyfriend P, resulting into P's depression. Mr. R, a friend of P, suggested him to take revenge with an intention that P will come out of shock. R provided P with a bottle of liquid believing it as acid. P mistook X to be Q in darkness and threw it on her (X) causing rashes on the face of X, which later resulted into serious injuries. The investigations revealed that it was not acid but was a concentrate of fungicide. Decide the liability of P and R in this case, keeping in mind that defences which may be available to P and R. 25

SECTION 'B'

5. Answer the following (answer to each part must not exceed 125 words). Support your answer with legal provisions and decided cases: 10×5=50
- (a) "‘Indemnity’ has relation to the conduct either of the indemnifier himself or of a third party. A ‘Guarantee’ is always related to the conduct of a third party." Elucidate.
- (b) "Privity of contract is no longer a rule but only an exception." Explain in the context of modern transactions.
- (c) "The copyright exists in expression but not in idea." Discuss with the help of the provisions of Copyright Act and case law.
- (d) "The principle of ‘holding out’ is based on the principle of estoppel." Elucidate.
- (e) "Once an instrument passes through the hands of a holder in due course, it is purged of all defects, it is true like a current coin." Explain.
6. (a) "It has been a common statement of the law that while relief is available for certain kinds of mutual mistake, it is unavailable for unilateral mistake unless the other party knew or had reason to know of the mistake." Critically examine the statement with leading case law. 25
- (b) Critically analyse the term ‘inventive steps’ as incorporated under the Patent (Amendment) Act, 2005. Do you agree with the present definition? Refer to recent case law. 25
7. (a) "An attempt by all political parties to bring amendments to the RTI Act, 2005 is to sabotage the steps towards transparency of governance in this country." Critically evaluate the statement. 25
- (b) In matters such as enforcement of social, economic, cultural or political rights or civil liberties or gender concerns, courts in India have been inclined to apply relaxed rules of standing or litigational competence rather than strict rules of locus. Discuss. 25
8. (a) Competition Law in India has not achieved the result as was expected. Discuss the bottlenecks with which it suffers and suggest the remedies necessary to make it fruitful. 25
- (b) Corporates causing havoc to the wildlife existing on seashores is an extreme type of environmental crime and laws are almost non-existent to deal with them directly. Discuss. 25